

Attorney Docket No.: 42389-4014.US
Application No: 09/640,865
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REMARKS

The Office Action dated 7 April 2005 has been reviewed and the comments of the U.S. Patent Office have been considered. Claims 1-14 have been canceled without prejudice or disclaimer as being directed to the subject matter of the parent application, claim 22 has been rewritten in independent form, claims 15 and 21 have been amended to particularly point out and distinctly claim Applicant's invention, and claims 16-20 remain as previously presented. Thus, claims 19-22 remain pending and are respectfully submitted for reconsideration by the Examiner.

The allowance of claims 16-19, and the indication that claim 22 includes allowable subject matter are greatly appreciated. In accordance with the Examiner's helpful suggestion, claim 22 has been written in independent form, including the allowable subject matter, and is therefore respectfully submitted to also be in condition for allowance.

Claims 15, 20 and 21 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,120,308 to Hess. These rejections are respectfully traversed in view of the above amendments to claim 15, as well as the following comments.

Independent claim 15 recites a filter delivery unit including *inter alia* "a flexible hinge formed in said pusher wire" and the flexible hinge "including a cross sectional area of reduced size relative to both said pusher wire and said pusher wire end section." Support for the recited combinations of features may be found, for example, in Figure 8 and at page 18, line 21, to page 19, line 2.

In contrast, Hess shows a catheter 10 that, according to the Office Action, includes a pusher wire 14 with a flexible hinge having successively reduced cross-section portions 16, 18, and 20 at a distal section. It is respectfully submitted that Hess fails to show a reduced cross section of the pusher wire relative to the pusher wire end section, as recited in Applicant's claim 15.

For at least the above reason, it is respectfully submitted that Hess fails to teach Applicants' independent claim 15, and that the rejection under 35 U.S.C. § 102(b) should be withdrawn. Moreover, claims 20 and 21 depend from claim 15, and therefore recite the same allowable combinations of features, as well as reciting additional features that further distinguish over Hess.

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CONCLUSION

In view of the foregoing amendments and remarks, reconsideration of the application and timely allowance of pending claims 15-22 is respectfully requested.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the undersigned to expedite prosecution of the application.

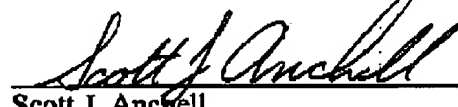
EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 08-1641. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

Date:

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